Western Australia’s State Election: Democracy in Action?

Peter van Onselen
Lecturer in politics and public policy
Edith Cowan University

Introduction

In an *Australian Review of Public Affairs* article on the 2004 federal election, Professor Marian Sawer noted that in Australia we ask every new citizen to pledge that they share our democratic beliefs. She then considered how the running of our federal elections matches with that pledge to democracy. This article addresses some of those same issues associated with democracy in the context of the forthcoming Western Australian State election, set for 26 February.

Like its federal counterpart, the WA Electoral Commission is an independent statutory organisation responsible for the administration of elections. Its independence is beyond question, however the legislation guiding the administration of elections in Western Australia includes issues of concern such as exclusions to voting, limits to party competition, and opportunities to entrench incumbency (either one-party based or major party cartel style). WA also has severely malapportioned electorates for both the Legislative Assembly and the Legislative Council. Further, the 2005 State election has been characterised by suggestions of bias in newspaper reporting. This article includes an audit of the front page stories carried by the State’s only daily newspaper, the *West Australian*. The findings suggest its front page coverage of the election has been far from balanced.

Election background

On Sunday 23 January West Australian Premier Geoff Gallop announced a State election for February 26. At the outset of the campaign, all the main polls (Newspoll, Westpoll and Morgan) put the Coalition in front, by as much as 56 to 44 per cent on a two-party-preferred basis (*The Australian*, 24 January 2005). However the latest
polling and odds from the betting agencies now give Labor the upper hand. I expect the election to be close.

Labor won the 2001 election with the help of Green and One Nation preferences, as a consequence of the latter's strategy to use preferences against sitting MPs. One Nation's support has now declined, so Labor needs to lift its primary vote above its 2001 figure of 37 per cent if it is to be competitive. The drop in One Nation's support may benefit Labor at this election, in that if One Nation were to continue their policy of preferencing against incumbents, the Coalition in opposition would benefit from a high One Nation vote.

There are 57 seats in the WA Legislative Assembly. Labor holds 32, the Coalition 20, with five held by independents (four Liberal-leaning). The Coalition could win back as many as four of the independent-held seats, leaving it needing a further five Labor seats to win government.

In conjunction with the election, WA is voting on a referendum to extend retail trading hours. The referendum asks two questions, one on extending weekday trading, the other on extending Sunday trading. WA is the only State that still restricts trading in this way. Interestingly there has only previously ever been one referendum held in conjunction with a State general election—in 1933. The question then was whether WA should secede from Australia and there was an overwhelming 'yes' vote. All other referenda since Federation have been either on alcohol issues, such as prohibition and limits on outlets (4 up to 1950), or on daylight saving (3 since 1975)—all of which were unsuccessful.

**WA Challenges to Democracy?**

Perhaps the first place to start when analysing electoral rules in Western Australia is the compulsory preferencing system. Unlike States such as NSW and Queensland, WA does not allow exhausting of preferences. In a compulsory voting system, compulsory preferencing often has the practical effect of forcing voters to choose between casting an informal vote or a vote that will ultimately go to one or other of the major parties. The WA electoral system mirrors that of the Commonwealth in this respect. Such a system denies a number of voters the opportunity to cast their
preferred vote, where they do not wish to ultimately vote for either of the major parties.

Sawer noted that federally prisoners serving five or more years are disqualified from voting while they are in prison (2004: 2). In the case of WA State elections, section 18 of the WA Electoral Act 1907 prohibits prisoners serving, or sentenced to serve, one or more years from voting. Exclusion to voting for prisoners in WA serving one or more years puts the State at odds with international developments in prisoner voting rights (Sawer, 2004: 2). In 2003 the Gallop government introduced legislation to remove the prohibition on prisoners serving one to five years, bringing WA in line with international thinking. The Bill did not progress because of opposition to other aspects of the legislation. Serving prisoners that are eligible to vote are not always able to access a mobile polling booth, having to use a postal vote instead. Whilst continued access to postal voting preserves eligible prisoner’s voting rights, the question remains just how accessible is information about candidates?

Unlike the federal public funding of $1.94 per vote above a stipulated threshold, WA does not have any form of public funding for elections. NSW, Queensland, Victoria and the ACT all have public funding for elections. A lack of public funding makes it difficult for minor parties and independents to contest elections. It also places greater importance on political donations, with corporate and union donations being particularly significant. With major parties increasingly using auctions and fundraising dinners to preserve the anonymity of corporate donors (van Onselen & Errington, 2005), public funding of political parties, disclosure laws and donation laws are all areas of electoral rules in need of review.

Rural malapportionment

The democratic principle of ‘one-vote one-value’ does not exist in either the WA Legislative Assembly nor the Legislative Council. They each weigh voting in favour of rural seats by 2:1 and 3:1 respectively. WA is the only State in Australia without one-vote one-value principles applied to the house of government (lower house). In 1995 the Commission on Government recommended that the principle of one-vote one-value be incorporated into Western Australia’s electoral arrangements for both houses (Black & Phillips, 2001: 356). After initially displaying sympathy for such
reform, the then Court government backtracked. Upon winning government in 2001, Geoff Gallop, committed to electoral reform, attempted to repeal the *Electoral Distribution Act 1947*, and institute the principle of one-vote one-value. Two Bills were involved, the Electoral Distribution Repeal Bill 2001 and the Electoral Amendment Bill 2001. Both Bills passed through the lower house; they did not, however, gain an absolute majority in the Legislative Council (18 votes). The Gallop government tried to have the Bill validated through the courts, all the way to the High Court (*Attorney-General (WA) v Marquet* (2003) 202 ALR 233), however was unsuccessful (Gelber, 2004: 343).

Arend Lijphart (1999) identifies symmetrical and incongruent bicameral systems as ‘strong’ examples of bicameralism. That is, where the respective upper and lower houses powers are comparable or near comparable, and where their members are elected in substantially different ways (namely through differing electoral systems). WA’s Legislative Assembly and Legislative Council are symmetrical and incongruent, however malapportionment along regional lines in the upper house is only democratically defensible if one-vote one-value principles are applied to the lower house. This is the case in the federal parliament, with the Senate malapportioned in giving equal State representation, despite population differences, while the House of Representatives largely adheres to one-vote one-value principles.

**The West Australian: WA’s only daily paper**

In the first week of February former Prime Minister Bob Hawke visited Western Australia to campaign for the Labor Party (*West Australian*, 2 February 2004). In an extraordinary attack on the State’s only daily newspaper, Hawke and Gallop simultaneously accused the *West Australian* of being the most biased newspaper in the country, by implication against Labor. All television stations carried the story early in their news bulletins that night. The following day Perth’s talkback radio was inundated with calls on the issue. *The Australian* produced an article on the issue. Conversely the *West Australian* barely devoted a paragraph to the claims.
Access to a wide range of political information in the media is an important part of any democratic polity. It is particularly important in one-newspaper States like WA.¹

The reporting of Perth’s only daily newspaper has come under scrutiny during this election, and is therefore worthy of focus.

For this paper I conducted a simple audit² of West Australian front page articles, commencing 24 January, the day after the State election was announced. At the time this paper was submitted to the Democratic Audit, the break down of front page stories in the West Australian was as follows:

Table 1
Audit of front page West Australian articles related to the State election
(24 January – 18 February)

<table>
<thead>
<tr>
<th>Pro Government</th>
<th>Anti Opposition</th>
<th>Pro Opposition</th>
<th>Anti Government</th>
<th>Content Neutral</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>2</td>
<td>3</td>
<td>10</td>
<td>7</td>
</tr>
</tbody>
</table>

Source: Author qualitative assessment of West Australian front page articles.

Whilst the above table is not a conclusive determination as to bias in reporting by the West Australian, the data certainly indicates an imbalance in front page stories favouring the opposition as well as stories detrimental to the government. There are a total of 13 stories classified as either ‘pro Opposition’ or ‘anti Government’, compared with two classified as ‘pro Government’ or ‘anti Opposition’. Seven stories are classified as ‘Content Neutral’. These figures suggest a disturbing trend in editorial decisions for the front page of WA’s only daily newspaper during the course

¹ It should be noted that while the West Australian (‘The West’) is the only daily newspaper for the state, the national papers the Australian Financial Review (AFR) and The Australian (‘The Aust’) also service WA. The readership of ‘The West’ is significantly higher than that of each of these papers. The circulation of ‘The West’ is approximately 200,000, significantly more than the national circulations of either the AFR or ‘The Aust’. WA also has a Sunday paper, The Sunday Times.

² The audit involved a qualitative assessment of front page stories. Stories relating to the political parties and the election were broken into five sections: Pro-government, anti-government, pro-opposition, anti-opposition and content neutral. Four days of front page reporting presented more than one election-related story on the front page, while five days of front pages had no coverage of the election or related stories. It should be noted that assessments of ‘anti-government’ can be symptomatic of an ‘anti-incumbency’ phenomenon.
of an election campaign. The extent to which the media can influence voting patterns is a hotly contested area of political science scholarship (see for example Denemark, 2002). However the imbalance in the reporting of WA’s only daily newspaper does suggest something less than a level playing field for political parties.

**Conclusion**

Whilst WA’s electoral system is notionally ‘free and fair’, its particulars reveal a number of issues of concern. Malapportionment in both houses goes against the principle of ‘one-vote one-value’. Denying prisoners serving one or more year sentences goes against international trends. A lack of public funding discriminates against minor parties and independents as well as entrenching corporate influence in political donations.

Despite the hurdles WA’s Labor government faces in overcoming rural malapportionment, a system which favours the National Party, and skewed *West Australian* front page commentary as presented in Table 1, the ousting of one-term governments in WA is rare. Since WA's first State election in 1890, it has only happened twice. John Tonkin's 1974 Labor government was the last State government to suffer such ignominy. Before that you have to go back to 1933 (<http://www.elections.uwa.edu.au>).
References


*Attorney-General (WA) v Marquet* (2003) 202 ALR 233


